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14 Attorneys for Defendant  
15 SAFEWAY INC.

16 UNITED STATES DISTRICT COURT  
17  
18 NORTHERN DISTRICT OF CALIFORNIA

19 MICHAEL RODMAN, on behalf of himself  
20 and all others similarly situated,

21 Plaintiff,

22 v.

23 SAFEWAY INC.,

24 Defendant.

Case No. 11-03003 JST (JCS)

**JOINT STIPULATION AND [PROPOSED]  
SCHEDULING ORDER REGARDING  
PLAINTIFF'S ANTICIPATED MOTION  
FOR SANCTIONS**

1 Plaintiff Michael Rodman, on behalf of himself and the certified Class (“Plaintiff”), and  
2 Defendant, Safeway Inc. (“Safeway”) stipulate as follows:

3 WHEREAS, the Court entered final judgment (Dkt. No. 406) in favor of Plaintiff for  
4 breach of contract damages plus pre-judgment interest and against Safeway Inc. (“Safeway”);

5 WHEREAS, Safeway filed a notice of appeal (Dkt. No. 408), which appeal is pending  
6 before the United States Court of Appeals for the Ninth Circuit;

7 WHEREAS, pursuant to an order dated February 18, 2016, Plaintiff’s anticipated Motion  
8 for Sanctions is currently due to be filed on March 16, 2016 (Dkt. No. 425);

9 WHEREAS, on March 3, 2016, Safeway filed a Notice of Proposed Stipulated Facts (Dkt.  
10 No. 430) which, *inter alia*, reflected that after entry of the final judgment, Safeway and its new  
11 counsel Reed Smith LLP undertook an investigation and based on interviews with certain Safeway  
12 employees and review of a Safeway “website developer’s archive,” and Safeway has concluded  
13 that the Plaintiff Version of the terms and conditions, and not the Safeway Version, was linked to  
14 the customer registration page during much of the Relevant Period and was more likely than not to  
15 have been linked to the customer registration page during the entire Relevant Period (all  
16 capitalized terms are as defined in Dkt. No. 430);

17 WHEREAS, Plaintiff expects that additional claims arising out of Safeway’s Notice of  
18 Proposed Facts will be added to his forthcoming motion for discovery sanctions;

19 WHEREAS, Plaintiff and Safeway have met and conferred, and Safeway has agreed to  
20 provide Plaintiff with additional information about the post-judgment investigation conducted by  
21 Safeway and its new counsel Reed Smith LLP, and the parties are continuing to negotiate the  
22 scope of the additional information to be provided;

23 WHEREAS, Plaintiff requires additional time to obtain further information from Safeway  
24 and incorporate such new information into his motion for sanctions, as appropriate;

25 NOW, THEREFORE, the parties to the above-captioned action hereby stipulate and agree  
26 that, subject to approval by the Court, the deadlines for Plaintiff’s Motion for Sanctions shall be  
27 modified as follows:  
28

Event	Current Date	Proposed New Date
Deadline to file motion for sanctions	March 16, 2016	April 6, 2016
Deadline for Safeway to respond	April 13, 2016	May 4, 2016
Plaintiff's reply	May 4, 2016	May 25, 2016
Hearing on Plaintiff's motion for sanctions	May 26, 2016	June 16, 2016

IT IS SO STIPULATED.

Dated: March 14, 2016

REED SMITH LLP

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Attorneys for Defendant  
 SAFEWAY INC.

Dated: March 14, 2016

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Attorneys for Plaintiff  
 MICHAEL RODMAN and the Class

*\* Filer's Attestation: Pursuant to Civil Local Rule 5-1(i) regarding signatures, Timothy Mathews hereby attests that concurrence in the filing of this document has been obtained.*

**PROPOSED ORDER**

Good cause appearing therefore, PURSUANT TO STIPULATION, IT IS ORDERED  
 THAT the deadlines for Plaintiff's motion for sanctions are modified as follows:

Event	Current Deadline	New Deadline
Deadline to file motion for sanctions	March 16, 2016	April 6, 2016
Deadline for Safeway to respond	April 13, 2016	May 4, 2016
Plaintiff's reply	May 4, 2016	May 25, 2016
Hearing on Plaintiff's motion for sanctions	May 26, 2016	June 16, 2016

IT IS SO ORDERED.

Date: March 14, 2015

